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FILED 18 MAR '13 15:21 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Justin J. Juvenile Male,

Defendant.

) Case No.: 11-442 BR

) DECLARATION OF STEVEN J. SHERLAG
) IN SUPPORT OF MOTION FOR ISSUANCE
) OF RULE 17(c) SUBPOENAS DUCES
) TECUM TO DISTRICT OF OREGON
) UNITED STATES PROBATION OFFICE

) UNDER SEAL

Under the penalty of perjury, I Steven J. Sherlag, hereby declare:

1. On or about August 11, 2010, I was appointed to represent defendant in a consultation representation regarding a pending criminal homicide investigation, pursuant to the Criminal Justice Act, 18 USC 3006A. On November 7, 2011, defendant was charged by information for Murder in the Second Degree, in violation of 18 U.S.C. §§ 111, 1153, and 5032 et seq. and Using and Carrying a Firearm During and in Relation to Crime of Violence, in violation of 18 U.S.C. §§ 924 (c) and 5032 et seq. My appointment has continued pursuant to the Criminal Justice Act to represent defendant in this matter. Trial is scheduled to begin on May 6, 2013.

DECLARATION OF STEVEN J. SHERLAG IN
SUPPORT OF MOTION FOR ISSUANCE OF RULE
17(c) SUBPOENAS DUCES TECUM TO DISTRICT OF
OREGON UNITED STATES PROBATION OFFICE
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2. The government's case-in-chief primarily relies on witness statements made against defendant. I anticipate that the government will rely on these witnesses to testify as government witnesses in this trial. Investigation into these witnesses' criminal history and prior bad acts is necessary to evaluate the credibility of the government's witnesses, to further the development of potential defense theories in preparation for trial in the instant matter, and to locate impeachable evidence regarding the witnesses' prior bad acts of dishonesty. These records will assist in the further investigation and support of potential defense theories and will undermine the witnesses' credibility, and thus undermine the government's case generally. Both Kaliska Wallulatum and Frederick Wallulatum are key witnesses in the government's case and have provided damaging interviews and grand jury testimony against defendant.

3. Kaliska Wallulatum is currently on probation after her conviction in *United States v. Kaliska Rubio*; CR 07-524 KI, a case where Ms. Wallulatum was convicted of assaulting a 16 year old girl by shooting her 8-10 times in the neck and the face with a BB gun. This is counsel's second request for a subpoena for U.S. Probation Office records regarding Ms. Wallulatum. The court had previously granted said issuance of said subpoena, and we are now requesting updated records since our last request on or about February 21, 2012.

4. Frederick Wallulatum is currently on probation after his conviction in *United States v. Frederick Wallulatum*; CR 11-434 BR, a case which is directly related to the instant matter. Mr. Wallulatum was convicted of making false statements during the course of the investigation in the instant matter.

5. It is further requested that the court allow the subpoenas issued to direct the U.S. Probation Office to produce the materials prior to the trial date. Based on my review of records that I have requested to-date without subpoenas, I anticipate that we will need an ample amount of time to review the records produced and to conduct related investigation regarding the same.

This 14th of March, 2013.



Steven J. Sherlag, OSB 931034
Attorney for Defendant

CERTIFICATE OF SERVICE

Re: USA v. Justin J. Juvenile Male; CR 11-442 BR

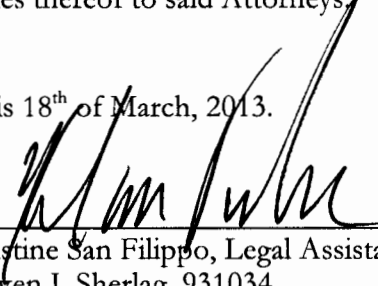
I certify that on today's date I served the foregoing:

DECLARATION OF STEVEN J. SHERLAG IN SUPPORT OF MOTION FOR
ISSUANCE OF RULE 17(c) SUBPOENA DUCES TECUM TO THE DISTRICT OF
OREGON UNITED STATES PROBATION OFFICE

on: Craig Gabriel, Esq.
Jane Shoemaker, Esq.
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By e-mailing on today's date true and correct copies thereof to said Attorneys.

This 18th of March, 2013.



Kristine San Filippo, Legal Assistant to
Steven J. Sherlag, 931034
Attorney for Defendant